



## IMPROVING THE SYSTEM OF PROVIDING CITIZENS WITH HOUSING: ANALYSIS AND PROPOSALS

Allayarova Muattar

Independent researcher at Tashkent state university of Law,

e-mail: muattar.allayarova@mail.ru

<https://doi.org/10.5281/zenodo.7402703>

### ARTICLE INFO

Received: 18<sup>th</sup> November 2022

Accepted: 29<sup>th</sup> November 2022

Online: 30<sup>th</sup> November 2022

### KEY WORDS

*Housing, notarization, state registration, shared construction agreement, land register, purchase and sale agreement, extract from the state register, housing registration.*

Currently, the importance of housing disposal as a result of urbanization and demographic changes is more important than ever. In addition, the constant increase in housing prices also serves as an additional incentive for citizens to buy housing. The increase in the cost of housing, as well as the lack of money from citizens of such value at all times indicate that the contract of purchase and sale of housing properly requires timely, high-quality and thorough execution of all actions related to registration.

As a result of population growth in our country, the need for housing is growing day by day. This circumstance requires further acceleration of housing construction, high-quality and affordable housing. It is important that young people make up the majority of our population, and that they have housing one step lower.

### ABSTRACT

*Citizens' housing needs are constantly growing due to urbanization, demographic changes and inflation. All actions related to the execution of the contract of purchase and sale of housing in the proper manner require timely, high-quality and thorough actions. This article discusses the procedure and stages of housing registration at the present time. The article also analyzes domestic and foreign experience related to the procedure and stages of housing registration, and provides suggestions of practical importance.*

The disposal of housing by buyers serves not only to improve the standard of living of the population, but also to develop the activities of enterprises engaged in housing construction and trade.

Article 480 of the Civil Code of the Republic of Uzbekistan establishes the rules regarding the form of the contract for the sale of property, according to part 1 of this article, the contract for the sale of real estate is concluded between the parties in the form of a single written document with a signature.

H.R.Rakhmankulov believes that the contract of sale of real estate is an independent type of contract of sale. For this reason, it is characterized by all the signs that define the concept of a contract of sale, that is, the transfer of ownership, bipartisanship, true evasiveness and consensuality. O.Okyulov also notes that the contract of sale of real estate is a



separate type for the subject of the contract of sale.

The contract of sale of residential premises between the parties is concluded in writing and is subject to notarization. The transfer of ownership of immovable property to the buyer under the contract of sale of immovable property is also subject to state registration.

Meanwhile, the highest annual growth rates in the number of real estate purchase and sale agreements by region, due to the demand of the population for housing, were observed in Tashkent (9.5 %), Ferghana (9.4 %), Syrdarya (5.9 %) and Tashkent (3.3 %) regions. Contracts for the purchase and sale of real estate, a decrease in indicators was recorded in Surkhandarya (13.7 %), Jizzakh (9.9 %) and Navoi (8.4 %) regions [1].

By the Cabinet of Ministers of the Republic of Uzbekistan 2018 in accordance with paragraph 7 of Resolution №. 1060 "On measures to improve the procedure for state registration of rights to real estate objects", adopted on December 29, the State Committee of the Republic of Uzbekistan for Land Resources, Geodesy, Cartography and State Cadastre within a month together with interested ministries, departments and other property and other proprietary rights, the emergence, transition, limitation and termination of these rights, it is also planned to develop and implement, from February 1, 2019, an information and software package for exchanging information on related transactions.

This normative legal act brought the provision of public services in the field of cadastre to a new level and became a practical expression of the idea expressed by the President of the Republic of

Uzbekistan Shavkat Mirziyoyev: "state bodies should serve our people, not state bodies[2]. Received housing after the transaction is completed, the purchase and sale agreement, executed by a notary, is sent electronically to the appropriate cadastral authority and within 1 day an extract from the state register is formed, issued in the name of the buyer of the property right, with the possibility of obtaining this extract from any notary. This circumstance contributed to improving the convenience of citizens using the public service.

Currently, there are several ways to compensate for the payment associated with the alienation of housing. For example, a one-time payment of the cost of housing, installments, mortgage payment or a mixed form (in this case, construction has not been completed or has just begun for housing, payment is made initially in installments, there is also a cadastral document for housing, that is, a mortgage loan is issued after an extract from the state register establishing property rights). The implementation of housing payments using these methods creates a kind of comfort for the population. The main reason for the formation of such payment methods is the construction and sale of housing by private business entities. Business entities offer buyers the following types of contracts:

mortgage agreement;  
shared-equity construction agreement;  
investment agreement;  
housing purchase and sale agreement [3].  
The conclusion of a shared-equity construction contract for the purchase of housing that has not been completed or has just begun, provides buyers with the opportunity to pay the cost of housing in



installments. The low cost of such housing and non-payment of interest also provide additional opportunities for buyers. According to the Civil Code of the Republic of Uzbekistan, citizens and legal entities can freely enter into contracts. The parties may also enter into an agreement not provided for by law. The terms of the contract are determined by the wishes of the parties, except in cases where the content of the relevant condition is stipulated in the legislation. This agreement provides that a citizen invests a certain amount of money in construction in order to obtain ownership rights in respect of an apartment in it after the completion of construction. Thus, this contract will also ultimately correspond to the content of the contract of sale.

In addition, according to the second part of Article 185 of the Civil Code of the Republic of Uzbekistan, the contract provides for provisions on the moment when the property rights of the recipient of the property arise. According to him, if the contract on the transfer of property to another person is subject to state registration or notarization, if necessary, the right of ownership of the recipient of the property arises from the moment of registration or approval of the contract, and when both notarization and state registration of the contract are required - from the moment of registration.

There are also specific features of paying for housing on the basis of a shared-equity construction contract. That is, as soon as payments are made, housing (apartment building, townhouses or other types of housing) for its commissioning must be issued a permit of the territorial construction inspectorate for the use of the completed object, as well as the

organization of the developer may be fraudulent or, due to the lack of financial resources for the completion of housing. For this reason buyers of newly built housing are advised to pay attention to: has the seller of newly built apartment buildings passed state registration as a business entity and is there at the same time; is there a decision of the relevant authority on the allocation of a land plot on which construction work is being carried out; does a construction company have a place in the real estate market; are the construction works carried out on the basis of the conclusion of this project and expertise [4].

As important conditions of the shared-equity construction contract, it is necessary to pay attention to such as the number of square meters of the apartment, on which floor it is located, how much is paid for each square meter, when construction is completed, the deadline for registration of ownership documents after completion of construction. In addition, another important aspect of the contract is the issue of liability of the parties. Housing can be built by a developer organization, but a permit for the use of a completed object cannot be issued by the territorial construction inspectorate for putting housing into operation. This circumstance restricts the state registration of property rights. Or housing may not be delivered on time. In this case, the buyer's rent and other expenses will also lead to an increase. Therefore, all essential aspects of this agreement for the buyer must be agreed with the developer's organization. On the basis of the deposit, funds are raised for construction in accordance with the contract concluded between the developer



and the shareholder. The Ministry of Construction and its territorial structures store information about construction based on the inclusion of shares, include developers in the electronic list and take into account contracts. Shareholders' funds are concentrated in a separate bank account for each construction complex of the developer and are directed only for the purpose of fulfilling obligations under contracts concluded between the developer and shareholders [5].

When full payment is made under a shared-equity construction contract, ownership of the housing passes to the buyer on the basis of a notarized purchase and sale agreement. Part of the payments made can also be transferred to the name of the home buyer, according to the agreement of both parties. In this case, until the total amount of the payment is fully paid by the buyer, the ban on the sale of housing will remain. After making the full payment, the ban is resolved by a notary on the basis of a letter issued by the seller.

The procedure for making payments under the investment agreement and the process of transferring ownership rights to the buyer, which is carried out after full or partial payments are made, is considered the same as the process associated with the conclusion of a shared-equity construction contract.

The contract of purchase and sale of housing on the basis of a shared-equity construction contract is also common in Russia and other countries. In the Russian Federation the law "On Equity Participation in the Construction of Multi-apartment Housing and Other Real estate objects and Amendments to Certain Legislative Acts of the Russian Federation"

is in force. In accordance with this law, an escrow account is opened in the bank for the sale of housing on the basis of shared construction, and the money paid by buyers is credited to the same account. Only after the commissioning of this housing is it allowed to use the funds that are in this account, that is, the company that builds housing until the housing is fully built and the state registration as a ready-to-use house cannot use the money paid by buyers [6].

Foreign citizens have the right to purchase real estate in Germany without any restrictions. The procedure for buying real estate in Germany is regulated by German civil law.

The real estate purchase procedure consists of the following steps:  
signing a contract of sale in a notary office;  
making a payment under the contract;  
obtaining the consent of local state bodies;  
entering the name of the new owner in the land register.

In order to purchase real estate located in Germany, foreigners will have to legally reside in the country, as well as again the following:

an identity document is required;  
document confirming solvency;  
for legal entities – a certificate confirming their financial condition;  
translation of registration documents approved in accordance with the relevant state laws [7].

Instead of concluding it, we can say that as a result of the reforms carried out in recent years, the following opportunities for the purchase and sale of housing have been created for buyers:

firstly, at present, after the registration of the contract of sale of housing, a notarized contract is executed through the



appropriate electronic system of land resources, geodesy, cartography and it is sent electronically to the state cadastral authority, and an extract from the state register confirming the rights of the new owner is formed in just 1 day, and the buyer has the opportunity to obtain this extract from any notary;

secondly, in recent years, bureaucratic obstacles to the disposal of housing on the basis of mortgage loans have been eliminated, and as a result, the number of owners who dispose of housing on the basis of mortgage loans is increasing from year to year, and it is also allowed to allocate credit funds for the purchase of housing from the secondary market;

thirdly, the construction was not completed or the conclusion of a shared-equity construction contract for the purchase of housing has just begun, which made it possible for buyers to pay the cost of housing in installments. The low cost of such housing and non-payment of interest also provide additional opportunities for buyers.

Based on the analysis made above, we want to give the following suggestions of practical importance:

Currently, when making payments under a shared-equity construction contract, at the

initiative of the builders, the amount of the contract is poorly indicated under the pretext that the tax is high, as a result of which the remaining amount agreed by the buyers is provided to the developer in cash. This situation, the development of a hidden economy in our country, the reduction of tax revenues and, in some cases, undermines the economic interests of buyers. To prevent these cases, each administrative district has its own housing transfer prices for 1 square meter should be set, and the tax should be calculated based on these costs. If the cost of housing is more expensive than transfer prices, the tax must be calculated from the cost of housing.

Implementation of the purchase and sale of housing on the basis of a mortgage loan and it takes about a month to transfer the loan amount from the bank to the seller's account. This situation is caused by various misunderstandings between the seller and the buyer. Because people selling housing often intend to purchase other housing or use the money for some purpose. Therefore, it is necessary to reduce the amount of the mortgage loan for the period of its transfer to the seller's account and create a mechanism for monitoring the validity of the term.

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